

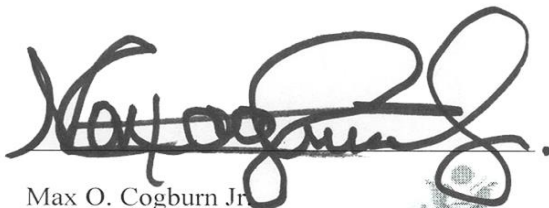
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:18-CV-183

SANDRA W. PATE,)
)
 Plaintiff,)
 v.)
)
 ANDREW SAUL,)
 Commissioner of)
 Social Security,)
)
 Defendant.)
 _____)

Plaintiff's counsel filed a motion for approval of attorney's fees under § 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$14,159.75 for the 41.00 hours of time spent litigating this case in court. Attorney's fees under § 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 in the amount of \$7,000.00. Defendant filed a response, stating that under Gisbrecht v. Barnhart, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$14,159.75, and refund to Plaintiff the smaller award between this amount and the EAJA award.

Signed: March 2, 2021


Max O. Cogburn Jr.
United States District Judge